

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

January 25, 2016

The meeting was called to order Monday January 25, 2016 at 9:00 a.m.

The members of the Board present were Ms. Christine Altman-President, Mr. Mark Heirbrandt-Vice President and Mr. Steven C. Dillinger-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Steve Baitz, Mr. Steven Cash, Mr. Jerry Liston, Mr. Gary Duncan, Mr. Andy Conover and Miss Suzanne Mills. The Board's attorney, Mr. Michael Howard, was also present.

Minutes of January 11, 2016:

The minutes of January 11, 2016 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of January 11, 2016, seconded by Dillinger and approved unanimously.

Bid Opening - Williams Creek Drain, O. F. Henley Arm - 146th Street Reconstruction:

Mr. Max Jennings and Mr. Steven Passey were present for this item.

Howard stated that the first bid packet is from Morphe Construction with all required forms included and a bid of \$404,000.00; the next bid packet is from Culy Construction with all required forms included and a bid of \$291,040.75. Are there any persons that know of any other bids? None appearing I recommend that the bids be referred to the Surveyor's Office for review and recommendation at the February 8, 2016 meeting.

Heirbrandt made the motion to refer the bids to the Surveyor's Office for review and recommendation on February 8, 2016, seconded by Dillinger and approved unanimously.

The Surveyor stated that he would be giving the bids to Steve Passey with United Consulting Engineers for review and recommendation since this is basically a Highway project.

RFP Opening - Elwood Wilson Drain, E. M. Hare Arm:

Mr. Lenny Noens was present for this item.

Howard stated that because this is an RFP to be reviewed and studied subjectively by the Surveyor's Office we'll just read the companies that have submitted. The first RFP is from Amec Foster Wheeler Environment & Infrastructure, Inc.; Common Wealth Engineering; VS Engineering; Christopher Burke Engineering; Clark Dietz; and DLZ. I recommend the RFP's be referred to the Surveyor's Office for review and recommendation on February 8, 2016.

Dillinger made the motion to refer the RFP's to the Surveyor's Office for review and recommendation on February 8, 2016, seconded by Heirbrandt and approved unanimously.

Altman stated that she would like to thank the bidders and the responders to the RFP.

Williams Creek Drain, Vernon Asher & Meridian Suburban Arms - U.S. 31 Reconstruction:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 2, 2015

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Vernon Asher and Meridian Suburban Arms, U.S. 31 Reconstruction

Attached are petition, plans, and other information for the proposed reconstruction of the Vernon Asher and Meridian Suburban Arms of the Williams Creek Drain, for the U.S. 31 Road Project. The reconstruction was petitioned by the Indiana Department of Transportation. During the road reconstruction, the Williams Creek Drain, Vernon Asher Arm and Meridian Suburban Arm will be affected and those changes are as follows:

Meridian Suburban Arm

Tottenham Drive Realignment

The project will reconstruct a portion of Williams Creek Drain, Meridian Suburban Arm. The reconstruction will start at a point 216 feet north of existing structure 3 on the Meridian Suburban Section 1 area, where a new manhole will be set on the existing drain, labeled as Str. 2303 in the US 31 road plans. The remaining 188 feet of 12" pipe to original drain Str. 2 will be removed; along with 46 feet of 12" RCP and 217 feet of 12" pipe to original drain Str. 1 will be removed, totaling 451 feet. The new drain will start from 2303, being 9 feet of 12" RCP to Str. 2302, then 21 feet of 12" RCP to Str. 2301, and then 5 feet of 12" RCP to Str. 2300. This is as shown on sheets 36, 53, and 61 of the U.S. 31 construction plans having project number 1296427, contract number IR-34750, and dated July 23, 2012. The total length of new drain shall be 35 feet.

Pipe Outlet Realignment

The project will reconstruct a portion of Williams Creek Drain, Meridian Suburban Arm. The reconstruction will start at a point 102 feet south east of existing structure 6 on the Meridian Suburban Section 1 area, where the new end of the existing tile will be discharged in to the U.S. 31 road side ditch. The remaining 135 feet of 30" pipe to the original outlet point will be removed. The new drain will start from the new tile end, being 35 feet of open ditch, and then turning south as another 180 feet of open ditch, with this arm ending at the thalweg of the open ditch running westerly. This is as shown on sheet 82 of the U.S. 31 construction plans having project number 1296427, contract number IR-34750, and dated July 23, 2012. The total length of new drain shall be 215 feet.

The total length of new drain shall be 250 feet. The 586 feet of original drain as describe above shall be vacated. This proposed reconstruction will result in a decrease of 336 feet in total length of the Meridian Suburban Arm.

Vernon Asher Arm

The project will reconstruct a portion of Williams Creek Drain, Vernon Asher Arm. The reconstruction will start at Sta. 19+08 of the Meridian Highlands/Meridian Meadows Arm, and remove 548 feet of open drain to the existing culvert under U.S. 31. The new drain will also start at Sta. 19+08 of the original drain and run as open drain 540 feet to Str. 170, then 359 of open ditch though Str. 170, then 238 feet of open drain in the existing channel to the west ROW line of U.S. 31. Also included is the removal of 105 feet of open drain on the south arm from the east ROW line of U.S 31, which is about 345 feet downstream of Structure 220, to the end of the existing culvert under U.S. 31, which is being replaced with 38 feet of open drain from the same starting point to Str. 170, merging with the other open drain described above at Str. 170. This is as shown on sheet 82 to 84 of the U.S. 31 construction plans having project number 1296427, contract number IR-34750, and dated July 23, 2012. The total length of new drain shall be 1,175 feet. The 653 feet of original drain as describe above shall be vacated. This proposed reconstruction will result in an increase of 522 feet in total length of this arm.

The project also intercepted the original 1939 Vernon Asher 16" tile at approximately Sta. 42+99, per the original 1939 legal description, with the new open drain described above, at approximately 355 feet north of Str. 170. The original tile will be vacated from Sta. 42+99 to Sta. 48+72, the original 1939 terminus, with the original tile now draining to the new open regulated drain and providing an outlet point for parcel 16-13-02-00-00-018.000, owned by Delta Faucet Company. This will remove 573 feet of tile from the original Vernon Asher Arm.

The total length of new drain shall be 1,175 feet. The 1,226 feet of original drain as describe above shall be vacated. This proposed reconstruction will result in a decrease of 51 feet in total length of the Vernon Asher Arm.

Project Summary:

The total change to the Williams Creek Drain length is a decrease of 387 feet as a sum of all the changes to the Meridian Suburban Arm, and the Vernon Asher Arm.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

Since the petitioner is the Indiana Department of Transportation and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The easement for this drain shall remain the existing statutory 75' from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33. This reconstruction of the regulated drain will relocate or add additional easement with the ROW. Work will be completed in the easement of the following parcels:

Parcel	Owner
Tottenham Drive	City of Carmel
U.S. 31 ROW	Indiana Department of Transportation

I recommend the Board set a hearing for this proposed drain reconstruction for January 25, 2016.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Altman opened the public hearing; seeing no one present Altman closed the public hearing.

Heirbrandt made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

"STATE OF INDIANA)	BEFORE THE HAMILTON COUNTY
) ss:	DRAINAGE BOARD
COUNTY OF HAMILTON)	NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Williams Creek Drain, Vernon Asher and Meridian Suburban Arms, U.S. 31 Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drain, Vernon Asher and Meridian Suburban Arms, U.S. 31 Reconstruction** came before the Hamilton County Drainage Board for hearing **on January 25, 2016**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Williams Creek Drain, Vernon Asher and Meridian Suburban Arms, U.S. 31 Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Williams Creek Drain, Vernon Asher and Meridian Suburban Arms,
U.S. 31 Reconstruction**

**Meridian Suburban Arm: 188' of 12" pipe to original Structure 1;
46' of 12" RCP; 217' of 12" pipe to original Structure 2;
135' of 30" pipe to original outlet point**

**Vernon Asher Arm: Station 19+08 to existing culvert under U.S. 31; 105' of open drain on the south
arm from east right of way of U.S. 31;
Station 42+99 to Station 48+72**

On this *25th day of January, 2016*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Vernon Asher and Meridian Suburban Arms, U.S. 31 Reconstruction**,

**Meridian Suburban Arm: 188' of 12" pipe to original Structure 1; 46' of 12" RCP; 217' of 12" pipe to original Structure 2;
135' of 30" pipe to original outlet point**

**Vernon Asher Arm: Station 19+08 to existing culvert under U.S. 31; 105' of open drain on the south
arm from east right of way of U.S. 31;
Station 42+99 to Station 48+72.**

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Williams Creek Drain, Vernon Asher and Meridian Suburban Arms, U.S. 31 Reconstruction**,

**Meridian Suburban Arm: 188' of 12" pipe to original Structure 1; 46' of 12" RCP; 217' of 12" pipe to original Structure 2;
135' of 30" pipe to original outlet point**

**Vernon Asher Arm: Station 19+08 to existing culvert under U.S. 31; 105' of open drain on the south
arm from east right of way of U.S. 31;
Station 42+99 to Station 48+72.**

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
President

Mark Heirbrandt
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh "

Anna Kendall Drain, Goodrich Brothers Arm - U.S. 31 Reconstruction:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

“November 9, 2015

To: Hamilton County Drainage Board

Re: Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction - **Revised**

This report is a revised report to replace the previous Surveyor’s Report dated February 5, 2013 and approved by the Drainage Board on April 22, 2013 (DB Minute Book 14, Pages 569-570) .

Attached are petition, plans, and other information for the proposed reconstruction of the Goodrich Brothers Arm of the Anna Kendall Drain, for the U.S. 31 Road Project. The reconstruction was petitioned by the Indiana Department of Transportation. During the road reconstruction, the Anna Kendall Drain, Goodrich Brothers Arm will be affected and those changes are as follows:

Goodrich Brothers Arm

The project will reconstruct a portion of Anna Kendall Drain, Goodrich Brothers Arm. The reconstruction will start by placing a new manhole approximately 75 feet east of existing structure 501, per the original 1905 legal description. The new drain shall begin at the new manhole, Str. 7703A, then 171 feet of 15” RCP to new Str. 7703B, then 371 feet of 15” RCP to new Str. 7703C, then 396 feet of 15” RCP to new Str. 7703D, then 396 feet of 15” RCP to new Str. 7703E, and then 407 feet of 15” RCP to a new end section discharging to the Anna Kendall Drain about Sta.137+86. The existing Arm 1 of the Goodrich Brothers Arm, from existing Str. 100 to Str. 101, along with Str. 500 on the main line, which is within the west Right of Way for U.S. 31, shall be removed. This is as shown on sheets 41-A, 42-A, 43-A, 77-A, 79-A, 80-A, 92-A, and 93-A of the U.S. 31 Construction plans having project number 1298685, contract number IR-35602, and dated May 29, 2013.

The total length of new drain shall be 1,741 feet. The 577 feet of original drain between Sta. 7+60 and Sta. 11+65 of the main drain, which runs under U.S. 31, and Sta. 0+00 and Sta. 1+72 of Arm 1 shall be vacated. This proposed reconstruction will result in an additional 1,164 feet to the total length of the Goodrich Brothers Arm.

The responsibly of the original tile from Sta. 7+60 to Sta. 11+65 under the approach ramps to the U.S. 31 Bridge over S.R. 32 will be that of Indiana Department of Transportation.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

Since the petitioner is the Indiana Department of Transportation and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The easement for this drain shall remain the existing statutory 75’ from the centerline of the tile, as per IC 36-9-27-33, or the western ROW line of U.S. 31, which is about 45’ west of the center line of the tile in the narrowest spot. This will change or add easement on the following parcels:

Parcel	Owner
09-09-01-01-02-005.000	CSX Transportation, Inc.
09-09-01-02-01-016.000	City of Noblesville
Westfield Business Park Court ROW	City of Westfield
U.S. 31 ROW	Indiana Department of Transportation

I recommend the Board set a hearing for this proposed drain reconstruction for January 25, 2016.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll”

Altman opened the public hearing; seeing no one present Altman closed the public hearing.

Altman asked if CSX is the Midland Trace?

Hamilton County Drainage Board
January 25, 2016

Altman asked if we have done title work to find out if they have fee ownership or an easement? Do we know?

Altman stated that this is in Westfield's jurisdiction isn't it?

Heirbrandt made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction

The matter of the proposed Reconstruction of the ***Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction*** came before the Hamilton County Drainage Board for hearing ***on January 25, 2016***, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction*** be and is hereby declared established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

"FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE

Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction

**Station 7+60 to Station 11+65 of main drain and
Station 0+00 to Station 1+72 of Arm 1**

On this **25th day of January, 2016**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction; Station 7+60 to Station 11+65 of main drain and Station 0+00 to Station 1+72 of Arm 1.**

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Anna Kendall Drain, Goodrich Brothers Arm, U.S. 31 Reconstruction; Station 7+60 to Station 11+65 of main drain and Station 0+00 to Station 1+72 of Arm 1.**

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
President

Mark Heirbrandt
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh "

Thorpe Creek Drain - Contract:

The Surveyor stated that at the last meeting the Board awarded the contract for the Thorpe Creek Reconstruction design work to VS Engineering in the lump sum amount of \$31,550.00. Since then VS Engineering has supplied us with the contract for the Board to sign today.

Heirbrandt asked if the Surveyor was comfortable with the contract.

The Surveyor stated yes.

Heirbrandt made the motion to approve the contract with VS Engineering for the Thorpe Creek Reconstruction design work in the amount of \$31,550.00, seconded by Dillinger.

Altman stated one item that the contractors may need to be aware of is that VS Engineering attached an addendum to their rates and it says confidential. Everyone needs to be aware that public records in a public meeting are not confidential so don't hand it to us with the expectation of privacy because it's not there.

The motion had been made and seconded to approve the contract with VS Engineering for the Thorpe Creek Reconstruction design work in the amount of \$31,550.00 and approved unanimously.

John Underwood Drain - Professional Services Agreement:

The Surveyor stated that this is an addendum to the contract with Banning Engineering on the John Underwood Drain. This item is additional engineering that's needed to remove the 136th Street off of the top of the bank and move the ditch over a little bit in two places the other area along Atlantic Road. This is an additional engineering cost of \$12,900.00 for the additional survey that is needed now and also the engineering.

Altman asked why this is new?

The Surveyor stated that at the time we let the contract we didn't anticipate moving the ditch over, but keeping it in the same spot. With the Thorpe Creek Project which is just 1,000 feet away from this project on the same street we're moving the ditch off of the top of the bank there and we thought if we're doing it on Thorpe Creek it makes sense to do it at this location as well.

Heirbrandt made the motion to approve the addendum to the John Underwood Drain Contract with Banning Engineering at a cost of \$12,900.00, seconded by Dillinger and approved unanimously.

George Beam Drain Reconstruction - Certificate of Assessment:

The Surveyor stated that we need to get the certificate of assessment signed for the George Beam Drain Reconstruction.

Altman asked if this has all been approved, this is just ministerial?

The Surveyor stated yes.

W.P. Bennett Drain Update:

Duncan stated that the construction plans are ready. We've made all the final revisions to the plans and we have the project manual together. We are still waiting on the permit from IDEM. They have indicated that we would have that early February. The Surveyor and I also talked about bringing to the Board a clearing project separate from the reconstruction that would take care of any environmental issues with the tree clearing for the Indiana Bat.

Altman asked where we are with the tree clearing? We need to stay on schedule.

The Surveyor stated that in order to keep in front of the Indiana Bat we need to pull the clearing out of the contract that was originally in there. I'm asking the Board to allow the office to get three or four quotes on the tree clearing work and present it to the Board for approval at the next meeting.

Heirbrandt stated that he would like the office to send the tree clearing bid out to everybody that is approved on the reconstruction list because I know some people are busy. I want to make sure we send it out to everybody like the Redman Company and send it to the Newcom people. I want to make sure we get bids on this so we get this thing pushed through.

The Surveyor stated quotes.

Howard asked if we could open those quotes two weeks from today because I'm sensitive to that problem. I have way too many projects that have bats in them. Can we open those quotes two weeks from today? Since they're going to our approved contractors we've already started and then that would allow us to award that subject to the permit and as soon as the permit goes they're good to go.

The Surveyor stated that would be a quick turnaround, but we could make it work.

Heirbrandt stated that he believes you may want to put that clause in there too, that it's got to be done by March.

Howard stated that all the trees will be on the ground by March 31st. They don't have to be removed, but they have to be down on the ground.

Duncan stated that the trees have to be on the ground, correct.

Heirbrandt asked if the Surveyor has an engineer's estimate on the clearing?

The Surveyor stated yes, it is \$65,000.00.

Altman asked if the trees just have to be on the ground is there any opportunity for people to harvest the lumber; harvest the logs instead of just cutting them up?

The Surveyor stated that the landowners always have that opportunity, but for the contractor to take the logs they would have to get written permission from the landowner because basically the logs are the landowner's property. A lot of times the landowner will say we want the firewood.

Altman stated that's fine I just hate seeing trees cut when they could be good veneer lumber.

Heirbrandt stated if the Surveyor has the engineer's estimate already what precludes him from putting a not to exceed number on that and doing it under time and materials that they don't exceed if they accept the bid. I'm just trying to think about how you speed that up.

Howard stated that may restrict. We're going to get a quote anyway and I know two weeks is quick.

Heirbrandt stated that's the only reason that I even said something like that was because it's so quick.

Howard stated that we would still have time if; are the contractors going to want more than two weeks if we get that out in the morning? We've got them all on email don't we, everybody that has a maintenance agreement with us?

The Surveyor stated that he doesn't know that we have all the emails.

Howard stated but we can get them out.

Duncan stated yes, we can get them out.

Howard stated that he was just thinking that they don't have to be opened in a public meeting, they have to be opened in public and what we might want to do is set a date and then open them at 9:00 on the 14th and then award on the 25th. That would speed that up a little bit. That contract would then have five weeks. I'm trying to balance because if you give them too short a time and you don't get any quotes then you haven't gained anything. We could come over on a Friday afternoon before the meeting and open them over here at 3:30 p.m., I do it on other stuff.

Altman stated plus we have some interested parties out there I'm sure will spread the word.

Heirbrandt made the motion to send out for quotes for clearing on the W. P. Bennett Drain Reconstruction for opening on February 19, 2016 at 3:00 p.m. and then recommend them to be awarded the 22nd of February, seconded by Dillinger and approved unanimously.

Heirbrandt stated that he wants to make sure on the record that it says on the request for proposals that it says all trees on the ground by March 31st.

Stony Creek Drain - USGS Contract with Noblesville:

The Surveyor stated that Noblesville agreed to pay for half of Stony Creek.

Altman asked if Noblesville had completed payment on other prior pending projects?

The Surveyor stated yes.

Altman stated we're up to date.

Dillinger made the motion to enter into the USGS Contract in the amount of \$38,950.00 along with the agreement with Noblesville, seconded by Heirbrandt and approved unanimously.

Big Cicero Creek Joint Drainage Board:

The Surveyor presented the minutes of November 15, 2015 to the Board for their information.

Altman asked if there was anything exciting from the meeting to report that should be on the record?

The Surveyor stated that he had nothing to report.

Final Reports:

The Surveyor presented the following final reports to the Board for approval.

"To: Hamilton County Drainage Board

January 13, 2016

Re: Cool Creek Drain: Village Farms Sec. 19

Attached are as-built, certificate of completion & compliance, and other information for Village Farms Section 19. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated September 24, 2014. The report was approved by the Board at the hearing held November 24, 2014. (See Drainage Board Minutes Book 16, Pages 22-24)

The changes are as follows: The 6" SSD was lengthened from 3,924 to 3,940 feet. The 12" RCP was shortened from 1,648 feet to 1,690 feet. The length of the drain due to the changes described above is now **5,942 feet**.

The non-enforcement was approved by the Board at its meeting on November 24, 2014 and recorded under instrument #2014053420. The following sureties were guaranteed by Merchants Bonding Company and released by the Board on its January 11, 2016 meeting.

Bond-LC No: INC 45634
Amount: \$149,749.00
For: Storm Sewers & SSD
Issue Date: August 21, 2014

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor "

"To: Hamilton County Drainage Board

December 23, 2015

Re: Tunis Garrard Drain: The Overlook at the Legacy Sec. 2 Reconstruction

Attached are as-built, certificate of completion & compliance, and other information for Overlook at the Legacy Sec. 2 Reconstruction. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes there were no significant changes made to the drainage plans submitted with my report for this drain dated November 18, 2015. The report was approved by the Board at the December 14, 2015 meeting. (See Drainage Board Minutes Book 16, Pages 406-407) Therefore, the length of the drain remains at **1,007 feet**.

The non-enforcement was approved by the Board at its meeting on December 14, 2015 and recorded under instrument #2015064280.

The following sureties were guaranteed by STAR Financial Bank and released by the Board on its January 11, 2016 meeting.

Bond-LC No: 16787755
Amount: \$49,300.00
For: Storm Sewers & SSD
Issue Date: May 5, 2015

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor "

Dillinger made the motion to approve the final reports presented, seconded by Heirbrandt and approved unanimously.

Capital Asset Notifications:

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Tunis Garrard Drain; Tunis Garrard Drain, Legacy Master Infrastructure 2.

Heirbrandt made the motion to approve the Capital Asset Notifications presented, seconded by Dillinger and approved unanimously.

Non-enforcements:

Cash presented a non-enforcement request for the Williams Creek Drain, Centennial Section 7 Arm filed by Brent Knutson and Jordan Hummer for parcel #08-09-15-00-13-007.000 for a fence. The Surveyor's Office recommends approval.

Heirbrandt made the motion to approve the non-enforcement request, seconded by Dillinger and approved unanimously.

Lee Lambert Drain Reconstruction - Change Order No. 5:

Conover presented Change Order No. 5 for the Lee Lambert Drain Reconstruction to the Board for approval.

"To: Hamilton County Drainage Board

January 15, 2016

Re: Lee Lambert Drain Reconstruction Project
Change Order #5

Change Order #5 is to have an additional 300 feet of 18" dual wall HDPE pipe south of 276th Street.

Change Order #5 includes the deletion of 5 Surface Water Pipes that were in the original bid but were not needed in the field. The bid amount for the pipe were \$845.00 each. This deletion from the original is reduces the cost by \$4,475.00.

This work will be billed on a time and materials basis with prices from the supplemental bids.

The supplemental bid price for 18" perforated HDPE pipe is \$17.50 per foot installed.

Change Order #5 total 300 feet @ \$17.50 per foot = \$5,250.00.
Change Order #5 deletion of 5 surface water pipes @ \$845.00 = **-\$4,475.00**.
Total cost Change Order #5 = \$775.00

Hamilton County Drainage Board
January 25, 2016

Reconstruction Costs:	
Banning Engineering Surveying -----	\$ 7,489.27
Cost by Culy Construction of Change Order # 1 -----	\$ 0.00
Cost by Fluid Waste Services of Change Order # 2 -----	\$ 725.00
Cost by Culy Construction of Change Order # 3 -----	\$ 27,797.58
Cost by Culy Construction of Change Order # 4 -----	\$ 4,375.00
Cost by Culy Construction of Change Order # 5 -----	\$ 775.00
Contractor's Bid -----	\$ 90,000.00
Total Reconstruction Cost -----	\$131,161.85
Engineer's Estimate -----	\$154,261.00
Total Reconstruction Cost -----	\$130,211.85
Difference -----	\$ 23,099.15

Submitted By:



Andrew D. Conover
Inspector "

Altman asked the reduction was how much for the pipes?

Conover stated \$4,475.00.

Dillinger made the motion to approve Change Order No. 5 for the Lee Lambert Drain Reconstruction, seconded by Heirbrandt and approved unanimously.

Stephenson & Compton Drain - Jeremiah Shine:

Mr. Jeremiah Shine and Mr. Joe Miller were present for this item.

Conover stated that he was contacted by Jeremiah Shine. Mr. Shine had requested and been given an outlet permit to tie into the Stephenson & Compton Drain for the purpose of a perimeter Drain for his septic system. After his contractor got out there and started to tie into the drain the existing drain he was going to tie into was completely full of water. The location where Mr. Shine was going to tie into was approximately 800 feet upstream from where the tile outlets into the open ditch. The tile is completely under water. The Stephenson & Compton Drain we're currently working on an engineering design. Banning Engineering has that contract. He went to see how far the drain would need to be dredged right now even as a temporary measure to get the water level down out of the tile enough where Shine could put their outlet into it. From the survey information that has been gathered out there it looks like the ditch would have to be dredged 2,200 feet in order to give temporary relief to this situation.

Altman asked if this is an approved septic system and technique?

Conover stated yes. The perimeter drain is required for almost every septic system in the county. The idea of a perimeter drain is to go around the finger system to lower the water table below the finger system to allow it to function properly. There is no direct connection on a perimeter drain and there's no direct connection between the septic and the tile. This is required on almost every system which brings up the problem that Mr. Shine has. The Health Department approved the septic installation, but now they won't do the final approval on it because he can't hook in the perimeter drain.

Shine stated this has been a long term project for my wife and I; a long term dream. We're building a horse farm on an old dairy farm. We did a lot of due diligence in buying the property and found out all the things we needed to do; the permitting what have you. Elevation shots and soil samples taken, where the legal drain is that you have tie into for the perimeter drain. You can't live in a house unless the septic system is approved. It's under way. I'll be on the street March 1st. My rent's up, I'm done, everything is getting ready to hook up; everything is ready to go. I also put in field drain tiles to dry the land for better farming as well as for our horses. I thought I did everything I could. I spent a lot money getting prepared for this; buying the land, building the home, ready to go and we can't tie into the drain that I was given an outlet permit for back in September. I need some help. I can't flush a toilet, I can't get a certificate of occupancy. I'm here to ask for your help. That's why I asked to get on the agenda when I found out Wednesday was the deadline. I need some help here opening this ditch up, but I don't know how much has been maintained. Other farmers around there say it's been a long term problem. There was some excavating done a few months ago from the bridge down to 226th Street and across and they widened the ditch and it goes about 150 feet and just stops. There's just acres and acres of field; it's just a reservoir. To get our elevation for our septic drain, which the state requires. I had to make sure when I bought the property that I had the elevation to tie into a legal ditch; that's the requirement now. It's hard to find property with a legal ditch nearby without going through three or four other properties. This worked out well, it's right on my boundary line. I thought everything was set to go. Dick Blazier out of Kokomo, Blazier Farms is the septic field tile man; he's been around a long time. He told me it's not my problem, it's really your problem now. I've been given a permit to tie in and I can't tie in. It is a concrete 18 to 20 inch tile that runs from the Monon Trail,

across my property, down the side and outlets into the wider open ditch. They tried to tie into it and it just blew up. It was a geyser. He cannot tie in. Everything has been set, we're there to tie in. If he were to tie in all that water is coming back into my system. I need to live there shortly. I don't know what the answer is here or else we need to get digging. What do you think Andy?

Conover stated I don't know other than the dredging to get that down.

Shine stated that he was new to the country, but I talked to my attorney and he said come in here and talk to you people and try to get some help.

Heirbrandt asked what the Surveyor's thoughts on this was?

The Surveyor stated that we do have the drain being designed by Banning Engineering right now. Andy (Conover) talked to Joe (Miller) Thursday afternoon and according to what Joe has shot it would be about 2,200 feet of dredging right now just to get the water moving out of the tile. This particular area has been a problem for years and years. The work that Mr. Shine has talked about was some work that was done by the County Highway last summer. I'm not sure what they were doing down through there or for what, but that was their work.

Mr. Shine asked if he could make a comment?

Howard stated to let the Surveyor finish because we know the problem, we have to get the ditch open.

Shine stated you don't know why the State was there. A gentleman on the north, southwest corner just tiled all his fields. Then went under the road and tied into this creek on the other side so now we have more water. We saw County trucks out there, but you said it was the State.

Conover stated that it was the County Highway.

The Surveyor stated that we can go in and do a temporary dredge just to get the water flowing out of the tile to solve his problem immediately, but that's not going to be something that is long term. We still have to do the reconstruction, which we're working towards.

Dillinger asked if we did the temporary dredge would that give Shine would he be able to get is certificate of occupancy?

The Surveyor stated that he should be.

Howard asked if the pipe was open above 226th Street? Your explanation wasn't clear on that.

Conover asked if Howard meant was it clogged?

Howard stated yes.

Conover stated that as far as we know the tile is open. The water is being held back.

Howard stated that the dredging at the lower level will provide relief and allow the tile to flow we think.

Conover stated that Howard was correct.

Howard stated that we haven't shot the pipe yet.

The Surveyor stated that we don't have any evidence that the tile is plugged unless we start digging the pipe too we wouldn't. Until we get the water moving in the open ditch so that the tile releases its pressure we won't know.

Altman asked if this gentleman's septic system would work without the perimeter drain do you think?

Conover stated that the septic system wouldn't be approved.

Howard stated that the Health Department won't permit the septic system.

Altman stated my point is it just has to tie to a regulated drain, correct? We have 75 feet on either side for a regulated drain why do we have to tie into the pipe?

Conover stated that they need the depth. I did ask the installer when I spoke with him. I asked him if he could daylight this from the septic system down to there and he said no, in order to get the depth he needs he has to go to the bottom of the county drain and that's where the whole problem lies is that it's so flat out there that they need that additional fall to the bottom of the drain otherwise he could just daylight it and it would drain, but they don't have enough fall in there to get that to work.

Howard stated that we have to get a contractor in there who can start dredging under a temporary condition.

Altman asked what's in the maintenance; is this under maintenance?

Conover stated yes.

The Surveyor stated right now the drain is \$20,760.51 in the red because of all the other band aids we've been putting on this drain over the years.

Altman asked what's our timing on this thing; on the reconstruction?

Shine stated that he was told it's a year and a half. That's why I'm here.

Miller stated that we have everything collected and we're working through some of the final details on the grade and the final alignment on some of the closer Highway crossings. Realistically it would probably be the next Indiana Bat season for the trees to start getting cleared. There's a lot of trees downstream of this area. Looking at the problem in particular the 2,200 feet that Conover outlined you're lowering the ditch probably about 2 feet maybe 2 ½ feet and I think in the overall reconstruction we're going to try to lower the ditch 3 ½ to four feet at this upstream end. It should give temporary relief in order to get out of the tile, but long term there's going to be additional relief to hopefully make a more adequate final solution.

Howard asked what are we looking at in cost for swag as far as the 2,200 feet of just band aid excavation?

The Surveyor asked Baitz if he thinks about \$4.00 per foot?

Baitz stated he didn't know. The trees have been cleared off that section so that shouldn't be an issue.

Dillinger stated that it sounds to me like Mr. Shine has done everything right and the problem does appear to rest with us. I think we should do whatever we need to do; I don't care what the cost is.

Altman asked if there was another alternative? Has someone walked the site? Could we literally carve out some land where we could daylight his pipe? I think that the work, quite honestly, it sounds like another State regulation that maybe we could band aid on site. I don't know. I'm just asking. We just looked down one tunnel to get this thing fixed temporarily. Right now Shine needs an outlet and if his system would work without the drainage intended, that's my question.

The Surveyor stated that he believes the best band aid is probably to do this work.

Dillinger made the motion to do the dredging to give Mr. Shine temporary relief for his outlet, seconded by Heirbrandt.

The Surveyor stated to keep in mind that this is a band aid.

Howard stated that he believes with weather and everything else even if you get one of our maintenance guys out, call them today. They're busy in weather. I would not; I don't think this Board can guarantee Mr. Shine he will be fixed by March 1st. It will be as soon as possible, but they can't guarantee you that.

Shine stated he thinks that's unacceptable, but I understand what you're saying. I know you can't just jump and fix every ditch, but I don't understand why I was given a permit assuming that the tile worked when it doesn't. I spent \$800,000.00 getting this thing prepped, I'm ready to hook up, I have to live there. I don't want to live in the barn that I'm working on, but I might have to if you don't get this fixed pretty quick. The dredging I see is needed on the south side of 226th Street down an open field, I believe. Is that how you open it up?

Conover stated yes.

Shine stated that the other problem is it is a concrete tile down in the ground deep enough, it's just a swale where my property is, but down there is where we have the elevation to tie in and get all this septic stuff approved. That's where I have to meet it. It's just full of water and not moving.

Dillinger asked the Surveyor if there is any reason that we wouldn't be able to meet the March 1st deadline? We have contractors on call.
The Surveyor stated that he wished he had a crystal ball for the weather.

Dillinger stated that the weather this week is supposed to be good.

The Surveyor stated that we're also working on a dozen others right now trying to get those taken care of.

Howard stated that he didn't mean to throw a wrench in the gears, but I think we owe it to Shine that he may want to find a plan B whether he likes it, is happy with it, unhappy, acceptable or unacceptable because contractors in this season are still busy in this kind of work. All we can do is contact somebody.

Heirbrandt stated all we can do is try our best to see what we can do to get somebody out there as soon as we possibly can. That's what we're going to try to do.

Altman stated that the other thing is has Shine thought about going to the County Health Board and asking for a variance until we get this thing fixed?

Shine asked if Altman was saying a variance to not use the perimeter drain?

Altman stated correct. I think that would be my first step if I were you is to get on the Hamilton County Health Board and explain the situation that you can't connect. We're working on it and ask them to give you a variance to move in; a temporary C of O (Certificate of Occupation) to move in. I think that is your best bet because I don't see this thing getting done by March 1st.

Howard stated a temporary C of O, limit showers or whatever because it might not function. Just because you're given a permit, you're not given a warranty.

The Surveyor stated that one of the things that was talked about in the office was maybe for him to be able to pump the water up out of the hole temporarily into the swale that's on top of the tile to get the water moving that way until we can get this fixed, but that would be a Health Department call.

Shine stated that the water just keeps backing up though into the neighbor's yard. There's a lot of water being tied into a ditch that doesn't work.

Altman stated that she understood, but we're facing what we're facing and we are certainly empathetic to your problem, but we can't guarantee any solution other than give you suggestions on how you can meet your deadline. I don't know what else this Board can tell you other than we'll put it on the agenda, do our best, but you're going to take some self-help actions yourself I think to get moved in on your schedule. When did we first hear about the issue?

Shine stated last Wednesday morning.

Heirbrandt stated that he hadn't heard anything on this before.

Shine stated that he called the Surveyor's Office and told them I couldn't tie in. They said it was a year and a half out. I said that wasn't good enough. I talked with my attorney and he said get in front of the Drainage Board and Wednesday was the time to get on your agenda.

Altman stated and we accommodated that request; it was past our cutoff, we accommodated it, we'll do our best, but I would suggest you go back to your attorney and ask about going to the Health Board for a variance because that's going to be your immediate relief.

Shine stated that we're going to call the Board of Health and have them come out and approve this septic system. Now if they red flag it then I guess that's the next option. My concern is why do we grant permits to things that don't work?

Altman stated that at this point I don't know if we were aware that it would blow out on you or what you're elevations were, quite honestly.

Shine stated that as you said that drain has been a problem for a long time. We assumed the drain worked, it doesn't.

The Surveyor stated that statutorily the permit is for capacity and capacity wise it met the criteria. The problem was that the water was backed up into it from the open ditch.

Shine stated that there was no dredging done prior to issuing me the permit. That was done later by the County Highway Department I guess that widened it down there. It was even worse when I got the permit, but I didn't know.

Altman stated it is what it is. We can look back on your contractor and ask your contractor why he didn't do a site survey. There's a lot of ways we can point fingers. We're doing the best that we can do to solve the problem so at this point this is what we can do without warranty.

The motion had been made and seconded to do the dredging to give Mr. Shine temporary relief for his outlet and approved unanimously.

Altman stated that the Board has given Shine the best suggestions they can.

Shine stated if I could recap what the Board is giving me. You're telling me that you don't know when you can get this moving, the ditch dredged where it will accommodate my need so

you want me to go the Board of Health and get a waiver so I can live in the home, flush a toilet. The drain is going to go where? I don't know what; just don't use the drain I guess is what we're saying and let the water flood the finger system. Is that what you're saying?

Altman stated no. What we're saying is we have a motion that's been seconded and approved that we will proceed as promptly as possible, as our contractors can to dredge at a cost to the whole area for a temporary solution for your property. That's what's on the table, that's what we agreed to and that is what you have.

Heirbrandt stated that in all honesty, just coming in here and just finding out about this Wednesday this is moving pretty quick.

Altman stated no it's moving very quickly.

Heirbrandt stated to come in here and get approval just when you came in Monday and they put this on the agenda, in all fairness this went really quick. We're trying to help you.

Altman stated that we're trying to do the best we can.

Shine stated that he's up against a wall here and I filed everything legally I was supposed to do.

Altman stated that we're not disputing that. At this point we need to move on with our agenda.

Shine asked if the Board is committing to starting dredging in the next month?

Altman stated that we are moving on to our next agenda item. I'd suggest get with staff and figure out what timing is. Have your attorney call our attorney if that's appropriate.

Shine stated okay. Who would I hear from when this is going to get going?

Heirbrandt stated Conover or the Surveyor.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following sureties: Performance Bond #929340277 in the amount of \$14,352.00 for Avalon of Fishers Section 3, George Burke Drain Reconstruction; Subdivision Performance Bond #0174152 in the amount of \$227,371.80 for Slater Run Section 2, storm sewers; Subdivision Performance Bond #1112651 in the amount of \$133,062.20 for the Lakes at Towne Road III, storm sewers. Also for the Board's information the office will be releasing a cash bond for Terry Lee Crossing.

Altman asked if everything was complete and satisfactory?

Liston stated yes.

Construction Updates:

R. J. Craig Drain, Maple Street Reconstruction - Liston stated that we are still working with the City of Fishers on getting what we need on those asbuilts. I have Suzie (Mills) working with their GIS person trying to get what we need on those.

Mud Creek Drain, High Flow Shelf - Liston stated that Morphey Construction was able to do a little bit more work on the excavation side of the project last week and is probably within a couple of days of completing the excavation work and final grading.

Everett Cox Drain Reconstruction - Duncan stated that this project is done for the winter. There are a few things that need to be done in the spring, which we'll come back and do in good weather, but essentially the project is done. We need asbuilts from the contractor on the project.

Clara Knotts Drain, Delaware Street/Washington Boulevard Arm - Duncan stated that this project hasn't started. This is the last project that Morphey Construction will do as a part of the four projects that were released in late 2015. We did meet with Mr. Brandon Clark that raised some issues about the project. I thought the meeting went very well. We went through his issue. His backyard doesn't drain and what it looked to me is and this is typical of older subdivisions; there's fences, there's landscaping, there's sheds and whatnot that likely have blocked any surface drainage that used to occur. He still wants the problem addressed so what we're doing is verifying the elevations to make sure that when we put the storm sewer in that the castings are low enough that if we re-grade the road ditch that it would be low enough that if Mr. Clark wanted to do something on his property and I explained this to him he could either put in a pipe or a surface swale to drain his rear yard and it seemed to go pretty well. This is active and we got some of the survey on Friday.

Cool Creek Drain, William Knight Arm - Duncan stated that Morphey Construction is wanting to start this project this week. We're still trying to get the elevations set on the staking, but all indications are that they will start this week.

Benton Hinesley Drain, South Drive Arm - The Surveyor stated that this is the next project after the William Knight Arm.

Drainage Board Attorney - Pending Items:

USGS Stream Gauge Agreement with Noblesville - Howard stated thanks to the Surveyor and John Beery for working out this issue.

Brewer Non-enforcement, Hold Harmless Agreement - Howard stated that this is really bigger than the Hold Harmless Agreement, it's making our non-enforcement document much more comprehensive and making the release language a lot more inclusive than it was in the past. I tried to get that over to the Surveyor to review and we didn't get that done Friday, but those will be there for final approval.

Joseph & Brooks Arm, William Lehr Drain, Developer Agreement - Howard stated that we're still waiting on final construction by Corby Thompson's company so we can put the language in there.

Alternate Drainage Board Members (Circuit Court Approval) - Howard stated that this petition was filed last Thursday. I have not received the order appointing Steve Holt and Jerry Rulon, but it's in final form and it will be here for your next meeting so you can contact one of them to serve in the position of our traveling member.

Items Pending:

The Surveyor stated that he will have a report to the Board at their next meeting.

River Road

Altman stated every time she drives River Road I see the mulch company and the piles grow higher and higher and more stuff gets in there. Is that floodplain or floodway? I know the State controls, but perhaps someone ought to drive by.

The Surveyor asked where on River Road?

Altman stated just north of 146th Street. I see more dirt and debris keep getting pushed over.

The Surveyor stated that we can check it and make sure.

Altman stated that she thinks we need to look. That pile is getting bigger and it's growing.

Howard asked if we have dedicated right of way there or is that apparent? I thought we got dedicated right of way from those people about 20 years ago when we resurfaced that road.

Dillinger stated that he believes we did.

Howard stated that he knows they put in a lot of the money, but I don't know and one of the issues were side ditches and we worried about the apparent right of way issue.

Altman stated that she was talking about dirt going toward the river. Huge piles of roots and soil and junk.

Howard stated that he thought Altman was talking about to the road.

Altman stated that's a problem too, but this is perhaps a flood issue if it's taking capacity out of White River. I know it may be the State's issue, but I doubt if the State drives past it like I do all the time. It may be fine.

The Surveyor stated that the one I'm thinking of is there along Cicero Creek.

Altman stated no it's south of there.

Howard stated this is south.

Altman stated it's like S & M or something Mulch.

Howard stated that it's between Beavers and Melvin's property.

Liston stated Melvin Featherston's property. They got paid for the minerals to come out.

The Surveyor stated now they're filling it back in.

Altman stated that she wants to make sure it doesn't create a flood issue.

The Surveyor stated that he believes they have a pass on that from IDNR.

Altman stated let's find out. It may be perfectly legal and perfectly fine, but the mound is growing and inching out.

The Surveyor stated if the Board remembers that's why we moved the regulated drain so that Featherston's could fill that area.

Altman stated no I don't remember that.

The Surveyor stated that it was last year or the year before and Featherston's paid for the work.

Altman stated that may be what they're doing, but I'm not a surveyor.

The Surveyor stated that he would check on that.

Heirbrandt made the motion to adjourn, seconded by Dillinger and approved unanimously.

Christine Altman - President

Lynette Mosbaugh
Executive Secretary